

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

TIMOTHY BANKSTON, JR.,

Plaintiff,

vs.

DEUTSCHE BANK NATIONAL
TRUST COMPANY, as Trustee for
the registered holders of Morgan
Stanley ABS Capital I Trust
2005HE1 and Mortgage Pass-
Through Certificates Series
2005HE1, and SELECT
PORTFOLIO SERVICING, INC.,

Defendants.

CIVIL ACTION FILE

NUMBER 1:14-cv-1687-TCB


ORDER

This case comes before the Court on Plaintiff's motion for temporary restraining order ("TRO") [2]. On January 2, 2014, Plaintiff filed his verified complaint and motion for TRO in the Superior Court of Fulton County, seeking to enjoin Defendants from proceeding with a foreclosure sale that was scheduled for January 7. The foreclosure sale was thereafter cancelled, and since that time, neither party has brought to the Court's

attention any efforts by Defendants to move forward with a non-judicial foreclosure sale. Therefore, the Court will deny Plaintiff's motion as moot. Nothing in this order precludes Plaintiff from filing a new motion in the event circumstances change.

For the foregoing reasons, Plaintiff's motion for temporary restraining order [2] is DENIED AS MOOT.

IT IS SO ORDERED this 2nd day of September, 2014.

A handwritten signature in black ink, appearing to read "Timothy C. Batten, Sr.", written over a horizontal line.

Timothy C. Batten, Sr.
United States District Judge